



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,678	10/17/2003	Scott D'Avanzo	5611.00006	9367

29747 7590 04/11/2006

GREENBERG TRAUIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89109

EXAMINER

SHAH, MILAP.

ART UNIT PAPER NUMBER

3712

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,678	Applicant(s) D'AVANZO, SCOTT	
	Examiner Milap Shah	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to because of the reasons listed on the attached Notice of Draftsperson's Patent Drawing Review sheet (Form PTO-948). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 4 is objected to because of the following informalities: There appears to be a typographical error in which --alphanumeric-- should be removed from claim 4, since the “displays” discussed in both claims 1 and 2 do not refer specifically to “alphanumeric displays”. Appropriate correction is required to avoid a 35 U.S.C. 112 rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (U.S. Patent Application Publication No. 2002/0065126).

Claims 1, 5, 6, 8, 11, 12, 15, & 17-19 Miller et al. disclose the same invention including conducting an electronic primary game having one or more triggering events causing a secondary or bonus game to activate, as known in the art (paragraph 0009). The secondary or bonus game including a sphere-shaped (the “form”) apparatus substantially covered with a plurality of reflective sectors having numerical values imprinted thereon relating to awards within the secondary game (paragraph 0080 & figures 10A-10B). Miller et al. discloses the sectors may be surfaced with reflective elements and lights from the inside of the housing for entertainment effect (paragraph 0080). Furthermore, Miller et al. discloses that fiber optic cable may be used, as known in the art, to illuminate or highlight a sector for emphasis on that sector (paragraph 0082). The fiber optic cable is considered the illumination means in series since the cable is laid down

around the sphere and is capable of illuminating multiple sectors as the sphere rotates, such that the illumination appears in series creating a “path” as the sphere rotates and each adjacent sector is illuminated. The secondary or bonus game is considered “in communication” with the primary game since the primary game activates the play of the secondary or bonus game. As is well known in the art, a CPU or microprocessor within the gaming machine controls all operation of the gaming machine including primary game operations, secondary game operations, illumination operation, and display operation (paragraphs 0084-007 and figures 14-16).

Claims 2, 4, 7, & 10: Miller et al. discloses the sphere-shaped apparatus is an output display element including a plurality of mutually adjacent sectors each able to illuminate and “display” a numerical value (paragraphs 0076-0080 & figures 10A-10B). The illumination or highlighting allows the value to be read through the reflective surface. As discussed above, the display is considered controller and operated via the CPU or microprocessor of the gaming machine, as is well known in the art.

Claims 3, & 9: Miller et al. disclose an outcome-indicator (figure 10A[element 610P]) that is capable of “identifying a path of reflective units” as seen in figures 10A-10B.

Claim 13: Miller et al. disclose that multiple circumferentially separated indicators or pointers may be used and the selected one is used during game play (paragraph 0099).

Claim 14: Miller et al. disclose the sphere-shaped display element rotates about a vertical axis, which signifies the activation of the bonus game (paragraph 0080).

Claim 20: The series of adjacent sectors or sections in Miller et al. are considered to be a series of “alphanumeric displays” such that they are capable of displaying any indicia desired including numbers and symbols relating to a secondary game award. The sectors are integrated within the sphere-shaped display element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Miller et al.	U.S. Patent Application Publication No. 2004/0009807	Another Miller et al. patent application publication, continuation application from that which is relied upon above.
Chadwick et al.	GB 2,268,418 A	Discloses a rotational apparatus for fruit machines, which can be a sphere shape, etc... see page 15.
Mayeroff	U.S. Patent Application Publication No. 2004/0214630	Past date, however, similar concept.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.



CORBETT B. COBURN
PRIMARY EXAMINER